

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Court File No. 15-CV-04578 (MJD-SER)

Cheri Marie Hanson, as trustee for the next of  
kin of Andrew Derek Layton,

Plaintiff,

vs.

Daniel Best, Audrey Burgess, Craig Frericks,  
Kyley Groby, Matthew Huettl and Kenneth  
Baker, individually and acting in their official  
capacities as City of Mankato Department of  
Public Safety Police officers, The City of Mankato;  
Gold Cross Ambulance, Michael Jason Burt, and  
Thomas John Drews,

Defendants.

---

**DECLARATION OF BRYCE M. MILLER**

---

I, **BRYCE M. MILLER**, pursuant to 28 U.S.C. §1746, I hereby declare as follows:

1. I am one of the attorneys representing Plaintiff Cheri Marie Hanson in the above-referenced matter.
2. Attached hereto as **Exhibit A** is a true and correct copy of the report of Dr. Michael Baden, M.D., dated August 19, 2016.
3. Attached hereto as **Exhibit B** is a true and correct copy of photographs depicting Andrew Layton's face and neck areas.
4. Attached hereto as **Exhibit C** is a demonstrative photograph of a person in the recovery position.
5. Attached hereto as **Exhibit D** is a true and correct copy of the report of Dr. Robert Myerburg, M.D., dated August 5, 2016.

6. Attached hereto as **Exhibit E** is a true and correct copy of the National Law Enforcement Technology Center, Positional Asphyxia-Sudden Death dated June 1995.
7. Attached hereto as **Exhibit F** is a true and correct copy of the Memorandum Re: Positional Asphyxia dated June 26, 2006.
8. Attached hereto as **Exhibit G** is a true and correct copy of the report of John Ryan dated August 18, 2016.
9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts of the Transcript of the Deposition of Defendant Todd Miller dated January 13, 2017.
10. Attached hereto as **Exhibit I** is a true and correct copy of the MDPS Leg Restraint Device Policy 306.
11. Attached hereto as **Exhibit J** is a true and correct copy of excerpts of the Transcript of MDPS Officer Jeremy Clifton dated June 22, 2016.
12. Attached hereto as **Exhibit K** is a true and correct copy of Policies and RIPP insert.
13. Attached hereto as **Exhibit L** is a true and correct copy of MDPS Prisoner Transport and Handcuffing Policy 3-100.017.
14. Attached hereto as **Exhibit M** is a true and correct copy of MDPS Use of Force Policy 300.
15. Attached hereto as **Exhibit N** is a true and correct copy of MDPS Taser Policy 309.
16. Attached hereto as **Exhibit O** is a true and correct copy of supplemental excerpts of the deposition of Officer Daniel Best dated June 22, 2016.
17. Attached hereto as **Exhibit P** is a demonstrative photo depicting the proper use of restraints for transporting restrained person on stretcher.
18. Attached hereto as **Exhibit Q** is a Chronological Index of Events Occurring in Exhibits 9,

14, 33, R.

19. Attached hereto as **Exhibit R** is a true and correct copy of the video from Hy-Vee.  
(Placeholder)
20. Attached hereto as **Exhibit S** is a true and correct copy of a photograph of Andrew Layton on a stretcher at jail.
21. Attached hereto as **Exhibit T** is a true and correct copy of supplemental excerpts of the deposition of Paramedic Thomas Drews dated June 27, 2016.
22. Attached hereto as **Exhibit U** is a true and correct copy of excerpts of the deposition of Officer Matthew Huettl dated June 20, 2016.
23. Attached hereto as **Exhibit V** is a true and correct copy of supplemental excerpts of the deposition of Officer Kenneth Baker dated June 27, 2016.
24. Attached hereto as **Exhibit W** is a true and correct copy of supplemental excerpts of the deposition of Officer Audrey Kranz dated June 21, 2016.
25. Attached hereto as **Exhibit X** is a true and correct copy of supplemental excerpts of the deposition of Paramedic Michael Burt dated June 14, 2016.
26. Attached hereto as **Exhibit Y** is a true and correct copy of excerpts of the deposition of Joan Devens dated January 6, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed this 5<sup>th</sup> day of May 2017, in Ramsey County, Minnesota.

s/Bryce Miller  
Bryce M. Miller